

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

VICHAI VONGSVIRATES,

Plaintiff,

V.

RUSHMORE LOAN MANAGEMENT SERVICES,

Defendant.

| No. 1:21-cv-00012-NONE-SAB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING
ACTION FOR FAILURE TO STATE A
CLAIM AND FAILURE TO COMPLY
WITH COURT ORDER AND FAILURE TO
PROSECUTE AND DIRECTING CLERK OF
THE COURT TO RANDOMLY ASSIGN
THIS MATTER TO A DISTRICT JUDGE
AND CLOSE THE CASE

(Doc. Nos. 1, 4, 7)

Plaintiff Vichai Vongsvirates, proceeding *pro se* and *in forma pauperis*, filed this action on January 5, 2021, alleging various claims that appear to pertain to a mortgage on real property in Bakersfield, California. (Doc. No. 1.) The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 19, 2021, the assigned magistrate judge filed findings and recommendations, recommending that plaintiff's complaint be dismissed for failure to state a claim, and for failure to comply with a court order and failure to prosecute. (*Id.*) The findings and recommendations were served on plaintiff and contained notice that any objections to the findings and recommendations were to be filed within thirty days from the date of service. (*Id.*) The period for filing objections has passed and no objections have been filed.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
2 *de novo* review of this case. Having carefully reviewed the entire file, the court agrees with the
3 findings and recommendations that plaintiff has failed to state any valid claims under federal or
4 state law and has failed to allege diversity jurisdiction. Plaintiff was afforded an opportunity to
5 amend the complaint but has not filed an amended complaint. Therefore, dismissal is also
6 warranted due to plaintiff's failure to obey a court order and failure to prosecute this action.

7 Accordingly,

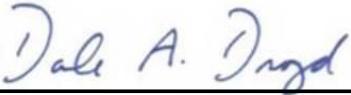
8 1. The findings and recommendations, filed February 19, 2021 (Doc. No. 7), are
9 adopted in full;

10 2. Plaintiff's complaint, filed January 4, 2021, is dismissed for failure to state a
11 claim and for failure to comply with a court order and failure to prosecute; and

12 4. The Clerk of the Court is directed to randomly assign this matter to a district
13 judge and close the case.

14 IT IS SO ORDERED.

15 Dated: May 11, 2021



UNITED STATES DISTRICT JUDGE

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